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THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO :17984 of 2005

DATED:16-08-2005

Between:

N.Mohan Reddy

..... PETITIONER

AND

1. Labour Court-II, Chandravihar Building,

Nampally, Hyderabad, rep.by its Presiding

Officer and 2 others.

.....RESPONDENTS

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HONOURABLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION NO:17984 of 2005

ORDER:

This writ petition is filed by the petitioner aggrieved by the order of the first respondent-Labour Court where the Labour Court rejected the application filed under Section 2-A (2) of the Industrial Disputes Act as not maintainable on the ground that the petitioner though was originally removed, the said order of removal was subsequently modified to imposing a lesser punishment. Therefore, according to the Labour Court if the application of the petitioner is entertained, it would amount to discrimination and therefore, the petition is not maintainable under Section 2-A (2) of the I.D. Act.

2. At the time of hearing, it is represented on both sides that under identical circumstances, similar order passed by the same Presiding Officer of the Labour Court was set aside in the case of **A.Ilaiah v. APSRTC** in W.P.No.6764 of 2005 dated 27-07-2005 and remanded the same to the Labour Court for fresh consideration and disposal on merits. In view of the said order passed by this Court, the learned counsel for the petitioner sought for the same order.

3. Heard both sides and considered the material on record.

4. As the application was rejected as not maintainable which this Court found as incorrect as per the decision referred to above, the impugned order is set aside and the matter is restored to the file of the Labour Court II, Hyderabad for fresh consideration and disposal in accordance with law on merits.

5. The writ petition is accordingly disposed of. No order as to costs.

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S.ANANDA REDDY, J

16th August, 2005

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